



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/322,248	05/28/99	QUADRANA	M 3962

ALBERT C SMITH
FENWICK & WEST LLP
TWO PALO ALTO SQUARE
PALO ALTO CA 94306

QM12/1217

EXAMINER

HONG, W

ART UNIT

PAPER NUMBER

3725

DATE MAILED:

12/17/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/322,248

Applicant(s)
Quadrana

Examiner
William Hong

Group Art Unit
3725



☒ Responsive to communication(s) filed on May 28, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-17 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-17 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3725

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-5, 10-11, 13, and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Manser et al (hereinafter "Manser").

Manser discloses: a static outer jacket; a plurality of successive annular recesses having a transverse cross section with rounded edges; a food pusher and cutter element; a plurality of screening means comprising a set of through holes defining differentiated screening passages; the through holes decrease in diameter and increase in number in successive screening means; a plurality of free passage means.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3725

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manser in view of Bloome et al (hereinafter "Bloome").

Manser has been described above. Manser does not disclose the pusher and cutter element comprises sharp helical edges oriented so as to provide a screw feeding effect and to skim the internal surface of the screening means. Bloome discloses a pusher and cutter element comprises sharp helical edges oriented so as to provide a screw feeding effect and to skim the internal surface of the screening means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the pusher and cutter element of Manser with sharp helical edges in view of Bloome to assist in pushing and cutting the food material through the passages.

Claims 6-9 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manser in view of Bloome et al (hereinafter "Bloome").

Manser has been described above. Manser does not disclose the static outer jacket flare outwards. Yang discloses the static outer jacket flare outwards. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the static outer jacket of Manser with a flare in view of Yang to reduce the amount of pressure in the cutting assembly by gradually increasing the surface area of the screen in the material direction.

Art Unit: 3725

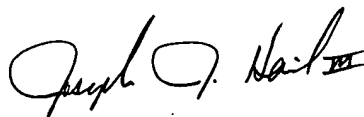
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Hong whose telephone number is (703) 308-9619.

WH



December 14, 1999



Joseph J. Hail, III
Supervisory Patent Examiner
Technology Center 3700